

APPENDIX 2.1

Fehr & Peers Responses to Comments Memoranda



MEMORANDUM

Date: January 12, 2016
To: Yen Chen, City of Santa Clara, Planning Department
From: Ann Bowers, PE, PTOE and Andrew McFadden – Fehr & Peers
Subject: **Mission Town Center Draft EIR – Caltrans Response to Comments**

DN15-0483

The comments below were provided by Caltrans on December 31, 2015 regarding the Mission Town Center Mixed-Use Project. Below are the response to comments on behalf of Fehr and Peers for comments that are relevant to the Transportation Impact Analysis (TIA) and Transportation Section of the Draft Environmental Impact Report (EIR).

Comment Caltrans 3

Please provide Caltrans with the 95th percentile queueing analysis for the left-turn lane traffic on northbound State Route (SR) 82 (El Camino Real) to Benton Street to analyze if there is enough left turn storage, so the queue does not back up into the SR 82 mainline. If the length of the queue generated from the project exceeds the actual vehicle storage length at the intersection then mitigation should be provided.

Response to Caltrans Comment 3

As requested the following information is provided regarding the 95th percentile queueing analysis for the left-turn lane traffic on northbound State Route (SR) 82 (El Camino Real) to Benton Street.

At El Camino Real and Benton Street the current configuration provides 150' of storage in the northbound left turn lane. The 95th Percentile Queues for northbound left at El Camino Real and Benton Street for the plus project scenarios were calculated in Traffix 8 and are shown below:

- Existing AM – 50'
- Existing PM – 100'



- Background AM – 75'
- Background PM – 125'
- Cumulative AM – 75'
- Cumulative PM – 150'.

The 95th percentile queues do not exceed the available 150 feet of storage under any of the plus project scenarios. Therefore, no mitigation is necessary.

Comment Caltrans 4

Caltrans recommends reducing the project's proposed parking supply. The project proposes to provide 839 parking spaces, exceeding the City's parking requirement. Also, the project is located within 0.5 mile of the Santa Clara Caltrain Station and a transit-rich neighborhood. Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternative forms of transportation, reduce regional vehicle miles traveled (VMT), and less future traffic impacts on SR 82 and the State Highway System (SHS).

Response to Caltrans Comment 4

We appreciate the feedback and agree that limiting parking supply can reduce the number of vehicles parked, trips and VMT generated, and impacts to the transportation system. However, there is no available validated methodology correlating parking reduction with reduced VMT. Additionally, due to concerns that reduced on-site parking might result in project residents, employees, and visitors parking on nearby residential streets, no reduction of the parking supply on the site is planned at this time. However, as explained in more detail in the response below, the strategies of preferential carpool and vanpool parking along with unbundled parking will be implemented on site to reduce daily trips and in turn, reduce VMT associated with the project. The applicant has voluntarily committed to achieving a reduction of at least 10 percent in per capita VMT through the proposed TDM measures

Comment Caltrans 5



Although the DEIR states that TDM measures are not required of very high density residential uses in this district per the City's Climate Action Plan, Caltrans recommends TDM measures to mitigate impacts to the SHS.

The TDM measures should be clear and specific, and should be monitored over time with annual reporting by an onsite TDM coordinator to demonstrate effectiveness, ensure compliance, and survey the travel patterns of residents, employees, and customers. This smart growth approach is consistent with MTC's Regional Transportation Plan/Sustainable Community Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent each.

Response to Caltrans Comment 5

The analysis of the project's transportation impact incorporated Fehr & Peers' proprietary trip generation software, *Mainstreet*, to estimate the number of trips generated by the site in the context of the surrounding land use and transportation facilities. This approach more accurately reflects the reduced trip generation likely to occur on the site due to the close access to transit and mix of uses on site.

Being a mixed-use development within ½ mile of Santa Clara Station, the project locates future housing, jobs, and employee-related services near major mass transit. Additionally, the project incorporates a number of infrastructure improvements that facilitate walking and biking.

While the proposed Project is not subject to the City's Climate Action Plan requirements to reduce VMT through TDM measures, the Company has agreed, on a voluntary basis and not as a Mitigation Measure, to prepare an implement a TDM Program for the Project. The TDP Program will be subject to the approval by the City's Planning Director prior to issuance of the first occupancy permits for the Project.

TDM Program Goals: The overall goal of the Project is to achieve a 20% reduction in vehicle miles traveled (VMT) with the goal of the TDM Program will be to achieve a 10% reduction in VMT.

Project Design Features: Design features that will be incorporated into the Project which will contribute to the overall 20% VMT reduction goal will include the following:



- Housing Density- increased density are generally found to result in the shortening of distance that people travel and provide greater options for the mode of travel that they choose.
- Mixed Use- The mix of high density housing as well as retail/restaurants provide land use diversity that will reduce automobile trips.
- Transit Accessibility- The close proximity of the project to the Santa Clara Station (Caltrain) will facilitate the use of transit.
- Pedestrian Orientated Design- the Project will minimize barriers to pedestrian access and connectivity to surrounding pedestrian facilities. To encourage pedestrian access, the Project will widen the sidewalks along Benton Street, El Camino Real and The Alameda.
- Bicycle Trails- The Project will provide a Class II bike lane along Benton Street and a Class III bike route (sharrows) along the Alameda.
- Bicycle Facilities- The Project will provide both Class 1 (for residents and employees) and Class 2 (for visitors) bicycle parking spaces. An on-site bicycle repair stand will be provided including bike tools and air pump.
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- Carshare Parking- 2 parking stalls will be dedicated for Carshare

TDM Program Elements: The following is a list of potential TDM measures that may be incorporated into the TDM Program in order to achieve the 10% reduction goal:

- Transportation Coordinator- a designated staff member or consultant responsible for developing, marketing, implementing and evaluating the TDM Program.
- New Employee/Resident Orientation to TDM Program- Information about the TDM Program elements provided to all new employee and resident welcome packages.
- Rideshare Matching Services- Transportation Coordinator would provide rideshare matching to all employees based on location and schedule.
- Guaranteed Ride Home- Employees who use transit, carpool or vanpool are guaranteed a free ride home in case of emergency.
- Unbundled Parking- The cost to lease a second parking space for residents could be unbundled from the cost of housing.
- Transportation Information Boards and Website- information to be posted at the leasing office and project website regarding alternative transportation services and contact information.
- Promotional Events- Promotional events for walking, biking or transit to provide information, answer questions and to encourage these alternative modes.



TDM Program Monitoring: In order to monitor the performance of the TDM measures relative to the stated VMT reduction goals, the following monitoring measures will be followed on annual basis:

- Once the project reaches 85% occupancy, 24 hour vehicle counts at all site access points will be conducted by a third party during a typical non-holiday/non-summer week.
- Within one month of completing the data collection, the Company will submit a letter to the City of Santa Clara documenting:
 - What TDM measures are currently in operation
 - Based on the results of the vehicle counts, an assessment as to whether the overall 20% VMT reduction and the 10% TDM reduction has been achieved
 - If the percentage reductions have not been met, the letter shall include a description of additional TDM measures that will be incorporated in order to meet the VMT reduction goals.
- The annual report to the City will be continue until such time that the City is satisfied that the VMT goals have been met and as long as the TDM measures have not been materially modified.



MEMORANDUM

Date: January 12, 2016
To: Yen Chen, City of Santa Clara, Planning Department
From: Ann Bowers, PE, PTOE and Andrew McFadden – Fehr & Peers
Subject: **Mission Town Center Draft EIR – VTA Response to Comments**

DN15-0483

The comments below were provided by VTA on January 4, 2016 regarding the Mission Town Center Mixed-Use Project. Below are the response to comments on behalf of Fehr and Peers for comments that are relevant to the Transportation Impact Analysis (TIA) and Transportation Section of the Draft Environmental Impact Report (EIR).

Comment VTA 3

The existing corner of Benton Street and El Camino Real on the project frontage has a wide right-turn radius which encourages higher auto speeds and reduces pedestrian comfort and safety. The proposed Site Plan indicated improvements to the design of the corner that would reduce the turning radius and crossing distance, thereby encouraging safer pedestrian crossings, lower auto speeds, and greater visibility. VTA supposes this type of safer street design, however, VTA recommends further safety improvements to the existing angles crosswalk at the corner of El Camino Real connecting the north and south side of Benton Street, which appears to be retained in the proposed Site Plan. Angled crosswalks increase crossing distance and are difficult to navigate for pedestrian, especially for the visually impaired; therefore, it is strongly preferred to straighten these crosswalks to the extent practicable.

Response to VTA Comment 3

We certainly agree with the recommendation that generally shorter crosswalks are safer and more comfortable for pedestrians. The current crosswalk configuration measures 110'. With the increased curb on the project's frontage this distance will decrease to 95'. If the crosswalk ran perpendicular to Benton Street it would measure 60'. However, under this perpendicular design



right turning vehicles would likely not have proper sight distance to complete a right turn causing them to unsafely encroach on the crosswalk. Other improvements such as the extension of the curb on the south side of the street could be undertaken by the City of Santa Clara's pedestrian program.

Comment VTA 4

The DEIR states that the project will implement the City's bicycle connectivity plan "beginning at Santa Clara Station and extending to the edge of the project site at the intersection of The Alameda and Benton Street" (DEIR, p. 4.4-37). The site Plan provided in the DEIR and TIA does not illustrate the project's proposed improvements to the City's bicycle facilities. The Valley Transportation Plan (VTP) 2040 contains a pedestrian-bicycle improvement project at Santa Clara Station that would create a pedestrian-bicycle tunnel below the Caltrain tracks, connecting Benton Street and Brokaw Road. VTA requests additional information about the TIA's bicycle facilities improvement (a copy of the City's bicycle plan, or illustration of the proposed improvement), and its relationship to the VTP undercrossing project.

Response to VTA Comment 4

The *Santa Clara Station Area Plan* calls for bike lanes on The Alameda between Franklin Street and Lewis Street and on Benton Street between Lafayette Street and El Camino Real. *The Valley Transportation Plan 2040* calls for bikes lanes on Benton Street from Monroe Street to Railroad Avenue. The plan also calls for the undercrossing to connect the west side of the railroad tracks to Brokaw Road on the east side near the transit station.

The project will include Class II bike lanes on the north side of Benton Street (westbound) and Class III sharrows on the east side of The Alameda (northbound). These facilities will connect the neighborhood with the transit station and with Brokaw Road via the undercrossing. The figure below shows the project's bicycle facilities in relation to the undercrossing.



Comment VTA 5

VTA supports the TIA's inclusion of an analysis of the potential impacts that increased motor vehicle traffic and congestion associated with the project may have on transit travel times, summarized in Table 9-3 and 9-4 (TIA, pp.62-63). VTA recommends that the summary tables indicate the actual change in transit delay, in lieu of "No Change," in order to support the TIA's conclusion that the change to transit travel times is not substantial or significant. VTA suggests reviewing the TIA prepared for the Santa Clara Square project, which specifies the number of average seconds of transit delay per bus route.

Response to VTA Comment 5

The project was considered to cause "No Change" in individual route delay if the increase in travel time was less than five seconds or the travel time improvements slightly. This generalization was utilized to improve clarity of results and so as to not show a level of detail that is incompatible with the methodology used. As requested by VTA, **Table 2.0-2, Existing with Project Transit Route Delay**, **Table 2.0-3, Background (2020) with Project Transit Route Delay**, and **Table 2.0-4, Cumulative (2040) with Project Transit Route Delay** include the results of the analysis. As the results show, the proposed project would not cause an increase in average delay on any of the transit routes in excess of 5 seconds.



Table 2.0-2
Existing with Project Transit Route Delay

	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	0.3
			PM	-0.6
		Eastbound	AM	0.1
			PM	-0.2
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.3
			PM	0.3
		Eastbound	AM	-0.1
			PM	1.0
60	Winchester Transit Center to Great America	Northbound	AM	-0.3
			PM	0.4
		Southbound	AM	0.6
			PM	-1.0
81	Vallco to San Jose State University	Westbound	AM	-0.5
			PM	1.2
		Southbound	AM	-0.5
			PM	1.2
522	Palo Alto to Eastridge Transit Center	Westbound	AM	0.3
			PM	-0.6
		Eastbound	AM	0.1
			PM	-0.2

Source: Fehr & Peer, January 2016

Table 2.0-3
Background (2020) with Project Transit Route Delay

	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	0.6
			PM	0.2
		Eastbound	AM	0.1
			PM	0.3
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.3
			PM	0.4
		Eastbound	AM	-0.1
			PM	1.0
60	Winchester Transit Center to Great America	Northbound	AM	0.1
			PM	1.4
		Southbound	AM	0.6
			PM	-0.4
81	Vallco to San Jose State University	Westbound	AM	-0.5
			PM	1.4
		Southbound	AM	-0.5
			PM	1.4
522	Palo Alto to Eastridge Transit Center	Westbound	AM	0.6
			PM	0.2
		Eastbound	AM	0.1
			PM	0.3

Source: Fehr & Peer, January 2016



Table 2.0-4
Cumulative (2040) with Project Transit Route Delay

	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	3.4
			PM	1.2
		Eastbound	AM	0.4
			PM	-0.3
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.7
			PM	0.6
		Eastbound	AM	0.1
			PM	0.9
60	Winchester Transit Center to Great America	Northbound	AM	3.3
			PM	2.5
		Southbound	AM	0.8
			PM	-0.9
81	Vallco to San Jose State University	Westbound	AM	-0.6
			PM	1.8
		Southbound	AM	-0.6
			PM	1.8
522	Palo Alto to Eastridge Transit Center	Westbound	AM	3.4
			PM	1.2
		Eastbound	AM	0.4
			PM	-0.3

Source: Fehr & Peer, January 2016

Comment VTA 6

The DEIR notes that TDM is not required per the City of Santa Clara Climate Action Plan (CAP) due to the project's close proximity to Santa Clara Station. As stated above, VTA supports the project's location, which will enable more trips by transit, bicycle, and by foot. The addition of TDM strategies would provide further trip reduction and reinforce the City's goals to minimize drive-alone rates. VTA recommends that the City work with the applicant to implement a parking management plan, reduced parking ratios, and transit fare incentives, such as free or discounted transit passes on a continuing basis.

Response to VTA Comment 6

The analysis of the project's transportation impact incorporated Fehr & Peers' proprietary trip generation software, *Mainstreet*, to estimate the number of trips generated by the site in the context of the surrounding land use and transportation facilities. This approach more accurately



reflects the reduced trip generation likely to occur on the site due to the close access to transit and mix of uses on site.

Being a mixed-use development within ½ mile of Santa Clara Station, the project locates future housing, jobs, and employee-related services near major mass transit. Additionally, the project incorporates a number of infrastructure improvements that facilitate walking and biking.

While the proposed Project is not subject to the City's Climate Action Plan requirements to reduce VMT through TDM measures, the Company has agreed, on a voluntary basis and not as a Mitigation Measure, to prepare an implement a TDM Program for the Project. The TDP Program will be subject to the approval by the City's Planning Director prior to issuance of the first occupancy permits for the Project.

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From: Ann Bowers, PE, PTOE and Andrew McFadden – Fehr & Peers
Subject: **Mission Town Center Draft EIR –Response to Comments**

DN15-0483

The comments below were provided by Joy Shurts regarding the Mission Town Center Mixed-Use Project. Below are the response to comments on behalf of Fehr and Peers for comments that are relevant to the Transportation Impact Analysis (TIA) and Transportation Section of the Draft Environmental Impact Report (EIR).

Comment Shurts 1

I have been reading through the EIR for the Mission Town Center. They seem to be saying that there will be no impact to traffic on Alviso Street between Benton and the Lewis ramp? As if no more cars would use Alviso St to head towards 101 north on De LaCruz.

Yet they DO say that traffic at Lewis and Lafayette will be heavily impacted. Lewis is a one way road coming off of DeLa Cruz – how are they accounting for people going the other way to get ON 101 north?

What is your opinion on this and what is the process to question the results of this report?

Response to Shurts Comment 1

The traffic analysis assumed 15 percent of the project's traffic would utilize De La Cruz Boulevard based on existing and future predicted travel patterns. The fundamental difference in the project's routing for the northbound and southbound trips to and from De la Cruz Boulevard is that two options are available for northbound trips – via Alviso Street or via El Camino Real, whereas only one is available for southbound trips – via Lewis Street.



Trips generated by the project can access northbound De La Cruz Boulevard via Alviso Street or El Camino Real. We estimated that roughly 10% of the project's traffic is projected to use Alviso Street to access De la Cruz and US 101. The intersection of Lewis and Lafayette exceeds the established significance criteria in both the project and **no project** conditions due to over-capacity conditions. The main driver of the project's impact to the intersection is the already constrained (in the no project conditions) southbound movement and not the westbound movement from De La Cruz. Alviso Street is not projected to be over-capacity in the future no project conditions and is projected to only gain roughly 10 percent of the project's exiting traffic, and therefore no significant impacts are expected at Alviso Street and Harrison Street intersection.



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From: Ann Bowers, PE, PTOE and Andrew McFadden – Fehr & Peers
Subject: **Mission Town Center Draft EIR –Jain Response to Comments**

DN15-0483

The comments below were provided by Sudhanshu Jain regarding the Mission Town Center Mixed-Use Project. Below are the response to comments on behalf of Fehr and Peers for comments that are relevant to the Transportation Impact Analysis (TIA) and Transportation Section of the Draft Environmental Impact Report (EIR).

Comment Jain 1

There should be a TDM plan. Every project in the City contributes to traffic congestion so every project in the City needs some sort of traffic mitigation. This project is large enough to warrant a TDM plan. Residents of the Old Quad are very concerned about parking and traffic.

Response to Jain Comment 1

Being a mixed-use development within ½ mile of Santa Clara Station, the project locates future housing, jobs, and employee-related services near major mass transit. Additionally, the project incorporates a number of infrastructure improvements that facilitate walking and biking.

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Comment Jain 2

Traffic impacts monitoring must be done by 3rd parties and must be publicly reported. Stiff penalties must be imposed for failing to meet targets.

Response to Jain Comment 2

The TDM plan will include monitoring by a third party of vehicle trip generation on the site. If reductions are not seen from the TDM plan, modifications to be plan will be required. At this time, the City does not assess penalties on projects if targets are not met.



Comment Jain 3

Provide fair share funds for improvement of traffic signal and intersection of El Camino Real and Benton Streets and also perhaps at the intersection of El Camino Real and Lafayette.

Response to Jain Comment 3

There are no significant impacts at the intersection of El Camino Real and Benton Street from the project. Therefore no operational improvements at this intersection are identified at this time. Improvements along the project's frontage are identified for this intersection and will be implemented.

The intersection of El Camino Real and Lafayette Street does not meet the level of service standards under either the no project or project conditions for the year 2040. However, the project traffic does not add enough delay to the intersection to trigger a significant impact (see Table 4.8-10 in the Draft EIR). Therefore no operational improvements at this intersection are identified in the EIR at this time, and there is no nexus for requiring the payment of fair share funds for traffic improvements.

Comment Jain 4

New York City requires one bicycle parking spot per two dwelling units but other cities require as many as one bicycle parking spot per dwelling unit and the City of Davis California goes as far as two bicycle parking spots per dwelling unit. The parking must be secure to prevent theft and vandalism. This project has a ratio of 0.4 bicycle parking spots compared to New York's 0.5 ratio. The statement above from the DEIR is unclear whether the six Class II bike racks for retail patrons are spots or racks that each have multiple spots. Six spots will not be sufficient.

Response to Jain Comment 4

The bicycle parking supply (including class II bike racks) that would be provided as part of the proposed project meets the prevailing standards that are documented in the VTA Bicycle Technical Guidelines (2012) for the Santa Clara Valley. All references to "racks" refer to single parking spots for bicycles for a total of 165 bicycle spaces on site.



Comment Jain 5

The parking garage would provide a total of 839 parking spaces, including 674 spaces for the residential component of the project and 165 spaces for the retail component of the project. DEIR page 3.0-11

- The Santa Clara Square project with 1800 units will have unbundles parking. Mission Town Center should do the same.
- Autonomous vehicles and services like Uber are likely to result in lower parking needs. Building layout and parking should be designed to allow repurposing of parking (or avoiding having to build it if not needed)

Response to Jain Comment 5

As noted above in Response to Jain Comment 1, the project will provide unbundled parking. Although the site does not currently plan to be designed around Uber and autonomous vehicles, the strategies of preferential carpool and vanpool parking along with unbundled parking will be implemented on site to reduce parking demand.

The applicant has stated that five percent of the residential parking will be set up with charging stations for electric vehicles at the time that the residential certificate of occupancy is issued, with an additional 10 percent wired for the future installation of charging stations such that at project buildout up to 15 percent of the project's residential parking would be available for electric vehicles if needed.

Comment Jain 13

This project will generate a lot of trips (predicted 2,440 daily trips). While proximity to the Santa Clara Transit Station is expected to reduce VMT by 34% over other projects which are not located near transit, there should be a TDM plan with concrete plans to reduce the number Vehicle Miles Traveled (VMT). Incentives for public transit use in exchange for unbundling parking may accomplish this goal.

Response to Jain Comment 13

Please refer to Response to Jain Comment 1 for information on the TDM program that the applicant has committed to develop and implement as part of the proposed project

APPENDIX 2.2

Albion Environmental, Inc. Responses to Comments Memorandum



ALBION ENVIRONMENTAL, INC.
NATURAL AND CULTURAL RESOURCES CONSULTANTS


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Memorandum

Date: January 11, 2016

To: Shabnam Barati, Impact Sciences

From: Clinton Blount, 
Albion Environmental, Inc.,

Re: Albion Environmental, Inc. Responses to Comments on the Mission Town Center Draft
Environmental Impact Report, Administrative Draft

Attached please find Albion's responses to comments on the Mission Town Center DEIR. Our responses are in four documents as follows.

1. Response to a comment letter from the Office of Historic Preservation dated January 4, 2016.
2. Responses to a comment memo from Lorie Garcia dated January 3, 2016.
3. Suggested revisions to wording in Volume 1 of the DEIR.
4. Suggested revisions to wording in Volume 2 of the DEIR.

Albion Environmental, Inc., (Albion) responses to OHP comments on Mission Town Center Project Draft Environmental Impact Report

EIR revisions should be updated to reflect any changes needed to address reviewer comments noted in this document.

1. In responding to OHP comments about the cumulative impacts to both historic architectural and archaeological resources, we agree with OHPs suggestion for mitigation measures that will reduce cumulative impacts to the archaeological resource represented at the Project Site as well those elements of the resource known to exist in surrounding areas. Here we are speaking of the various components of the 3rd Mission Santa Clara, including the Mission buildings, infrastructure, and the large Native Rancheria at the Mission. The Cultural Resources Treatment Plan contains mitigation measures that address the data potential of the presumed archaeological resources at the site, as well as mitigation measures that address the broader significance of the Mission Era resources. Our responses to the comments contain reference to the public involvement and interpretation mitigation measures discussed in the Cultural Resources Treatment Plan.

The exact nature of such a mitigation measure (public exhibit/education program) will be decided upon based on the results of the data recovery and will likely include elements on historic architecture, colonial period and post-colonial period archaeology. Such a program would focus not only on the findings from the Project Site but also on the broader Mission era landscape surrounding the Project Site. The research questions guiding the work at the Project Site are identical to those guiding work at other portions of the 3rd Mission Santa Clara landscape. This will facilitate a comprehensive interpretive program that will place the finding at the Project Site in the context of the broader Mission era landscape. The location and content of such a program will be decided upon through consultation with City of Santa Clara, and Santa Clara Mission, representatives of the Native American community, and possibly Santa Clara University.

2. OHP raises a good question on the sensitivity zones shown on Figure 54 of the Treatment Plan; however, we believe that our two-part spatial sensitivity model is appropriate. We agree that the entire project area has the potential of yielding archaeological data (Treatment Plan pp. 1, 125,132–135). We developed a staged approach to target areas which have lower likelihood of post-depositional disturbance (which we call archaeologically more sensitive) from areas that have a higher likelihood of disturbance (those which are less sensitive). Based on archival research and testing, we have learned that the southern portion of the project area has a greater likelihood of undisturbed deposits and features relative to the northern portions of the project. The “Areas of sensitivity” identified in Figure 54 are those with greater likelihood of in-situ preservation. To avoid confusion, we will change the caption to “Areas of greater likelihood of in-situ preservation and cultural integrity”.

We proposed monitoring in the northern part of the project area because this area has a lower likelihood of in-situ deposits and features. In contrast, we propose careful and controlled mechanical stripping in Step I and Step II areas (in the south and southeast

portions of the project area), because previous research has demonstrated that late 19th Century structures (like those present in Step I and Step II areas) did not disturb the subsurface significantly and effectively protected the underlying deposits (Treatment Plan page 125). The northern portion of the project area has not been protected by 19th Century structures, and therefore these have greater potential for subsurface disturbance. We feel that the application of two different methods is appropriate for the project based on current knowledge; however, if this assessment proves to be incorrect, we will immediately shift to the application of the controlled mechanical stripping of the northern part of the project area as required by the Treatment Plan and associated mitigation measures.

Regardless of our predictive map, the procedures to evaluate potential resources will be consistently implemented throughout the entire project area. In other words, whether a feature or deposit is identified during monitoring, Step I or Step II, the excavation and sampling protocols will be the same. We have used this approach successfully in the area for similar large scale projects on nearby parcels within the 3rd Mission Santa Clara site, including Santa Clara University's Lucas Hall Business School, Parking Structure, Edward M. Dowd Art and Art History Building, and Jesuit Residence, all within three blocks or less of the Project Site.

3. OHP's concern regarding limiting damage to a cultural resource is shared by Albion, and the sentence on Page 125 of the Treatment Plan "The archaeological monitor will carefully mark the feature, and direct the backhoe operator to remove sterile soils surrounding the feature, effectively placing the defined resource on a pedestal." will be changed to "The archaeological monitor will carefully mark the feature, and the sterile soils surrounding the feature will be carefully removed by hand excavation by a professional archaeologist(s), and effectively place the defined resource on a pedestal to facilitate documentation and evaluation of the discovery."
4. In responding to OHP comment about pre-Colonial Era resources and considering them in an archaeological district, we note that currently there is no archaeological district for pre-Colonial or Colonial Era resources in the immediate area. In addition, there are no pre-Colonial Era sites in the project area, and only one pre-Colonial Era resource (CA-SCLI-755) within the vicinity of the project area. Based on this information, it is premature to propose a pre-Colonial Era archaeological district at this time for the project area. We will, however, consider this comment when reporting on the project results.
5. We are in agreement with OHP that archaeological data recovery and documentation alone is not enough to reduce impacts. To this end, we have proposed Mitigation measure 1d (public exhibit/education program) as part of the Treatment Plan to mitigate the effects of the project.

The Cultural Resources Treatment Plan identifies historical interpretation as a necessary mitigation measure (cf. page 140). In addition to making collections and analyses available to future scholars, the interpretive plan calls for exterior and interior public interpretive displays, and that these displays "describe both the importance of the Project

parcel in the history of Santa Clara”. The plan therefore calls for placing the findings from the Project Site in the broader context of the history of Santa Clara, rather than narrowly interpreting the materials recovered from the Project Site.

Based on our experience and knowledge gained over a decade of archaeological investigations in the general project area, we believe that our proposed mitigation for the Mission Town Center Project will yield important scientific data to successfully document the cultural resources and educate the community about the Mission period and post-Mission cultural adaptations.

**Albion Environmental, Inc., (Albion) responses to comments by Lorie Garcia (Jan. 3, 2016) on
Mission Town Center Project Draft Environmental Impact Report**

Section	Comment	Response
Section 4.2 CULTURAL RESOURCES	<i>Late Mexican and American Era</i> Note: This is confusing as to time period referenced. Do you mean Early American Era? We are still in the American Era.	Changed as requested to <i>Late Mexican and Early American Era</i>
4.2.2.1 Cultural Setting of the City of Santa Clara	First paragraph, first sentence: "a direct successor to the Mission pueblo." Correction: there was no such thing as a "mission pueblo." Under the Spanish system of colonization there were presidios, missions and pueblos (secular towns). The closest pueblo to Santa Clara was that of the Pueblo de San Jose. Please correct to read "a direct successor to the mission.	Changed as requested to "a direct successor to the Mission pueblo "
	Sixth paragraph, fourth sentence: "In 1866, City officially established a grid street system to accommodate anticipated growth." Correction: this is misleading as the official survey was not made to specifically accommodate anticipated growth. Please correct to read "In 1866, the City formalized the existing street system, which had been established in 1847, when William Campbell surveyed the Town of Santa Clara for Father Jose Maria Suarez del Real, in order to facilitate the settlement of various existing titles." (At this time, Sherman and Grant Streets were renamed from Spanish and French Streets respectively.)	Changed as requested to "In 1866, the City formalized the existing street system, which had been established in 1847, when William Campbell surveyed the Town of Santa Clara for Father Jose Maria Suarez del Real, in order to facilitate the settlement of various existing titles "
	The construction of S.F. and S.J. Railroad is referenced. However, nowhere in this section is the establishment of the narrow gauge South Pacific Coast Railroad mentioned and this line was extremely important to the transportation/agricultural growth of Santa Clara. And, especially to the site proposed for the Mission Town Center project as both the passenger depot and RR warehouse were located on this property.	Additional text will be added as requested, on Pg. 4.2-4 and 4.2-5. "In an effort to reach larger markets and increase their profits, the Santa Clara Tannery allied with the nearby College of Santa Clara to support the construction of the San Francisco and San Jose Railroad in 1860. The late 1870s saw the construction of the South Coast Pacific Railroad (S.P.C.RR), a narrow gauge railroad, which would run between Alameda and Santa Cruz (Macgregor 1982:124). In November, 1876, the diamond

Section	Comment	Response
		crossing, where the S.P.C. RR intersected the tracks' of the broad gauge S.J. & S. F. (now S.P. RR), was installed near the foot of Sherman Street. By early 1877 all the grading for the narrow gauge line was completed from Santa Clara to San Jose. Following that, in 1863,.....”
4.2.2.2 Archaeological Resources and Human Remains in the Project Vicinity <i>Spanish Colonial Era</i>	First paragraph, first sentence: "at three distinct locations." Correction: There were four distinct locations for the mission churches. Please correct to read "at four distinct locations."	Changed as requested to "at four distinct locations."
	First paragraph, second sentence: "Three of these churches in two separate locations exist within the modern SCU campus." Correction: Only two of these currently exist within the SCU campus. The other sites consist of one site north of 101, one north of Martin Street and one (the Third Mission site) at the end of the Franklin Street cul-de-sac. Please correct to read "Two of these churches in two locations exist within the modern SCU campus."	The change was not made because the Third Mission site is partially on SCU campus. Please refer to Figure 5 of the Treatment Plan that shows John Cleal’s placement of the Third Mission.
	Third paragraph, fifth sentence: "According to the yearly informal archaeological investigations, neophytes" Correction: I believe the writer is referring to the yearly <i>Informes</i> , which were yearly reports written by the mission fathers. They were neither informal nor archaeological investigations. Please correct to read "According to the yearly informes, neophytes"	Changed as requested to “According to the yearly informes, neophytes"
	Third paragraph, sixth sentence: "To date there appears to be one large neophyte living complex at Mission Santa Clara, despite...." This is incorrect. These building were constructed in rows of "apartments" and while the Woman's Club or Pena Adobe is the sole remaining neophyte building from the Third mission period, archaeological excavations in recent years have confirmed the existence of several neophyte living complexes (rows) at Mission Santa Clara. Please make a correction to reflect this.	In the Treatment Plan, we discuss the Ranchería as a residential complex space with many components and we consider the entirety of the Mission Ranchería (Treatment Plan, Pgs. 19-30). The women’s “apartments” are part of the residential complex along with other components. To address the reviewer’s comment, we changed text as follows. “To date there appears to be one large neophyte residential complex at Mission Santa Clara with numerous components,....”

Section	Comment	Response
4.2.2.2 Archaeological Resources and Human Remains in the Project Vicinity <i>Late Mexican and American Era</i>	<i>Late Mexican and American Era</i>	Changed to <i>Late Mexican and Early American Era</i>
	First paragraph, first sentence: "After Mexican secularization Santa Clara transformed into a working class neighborhood....." This is incorrect. After secularization, the mission became a parish church and a small secular (Mexican) community developed close to the church. A working class neighborhood did not develop in this area until the decades following the incorporation of the Town of Santa Clara. Please make a correction to reflect this.	Changed as requested to "After Mexican secularization Santa Clara transformed and the Mission became a parish church and a small secular Mexican community developed close to the church. "
4.2.2.3 Archaeological Resources and Human Remains on the Project Site	While the D/E.I.R. points out in section 4.2.2.3, that "Intact resources associated with the Mexican Period, American Period or Pre-Colonial times were not identified" it needs to be stressed that this was as the result of a very small sampling of the site. It also brings into question as to what is being considered in the D.E.I.R. as an intact resource, a bead or incised bone is an intact resource as well as a building foundation. This should be clarified.	Changed as requested to " Given that previous testing involved the sampling of only a small portion of the site, intact resources associated with the Mexican Period, American Period or Pre-Colonial times were not identified" With regard to what is considered an intact resource, we refer to Treatment Plan Pgs 114, 127.
4.2.2.4 Historic Architectural Resources on and in the Vicinity of the Project Site	Third paragraph, first sentence: "surveyed by W. W. Bowen in 1866." Incorrect name. W.W. Bowen did not make the survey. Please correct to read "..... surveyed by J. J. Bowen."	Changed as requested to "..... surveyed by J. J. Bowen."
Summary of Archaeological Concerns	Comment 1. The Third Mission Site for Mission Santa Clara has been declared eligible for the National Register of Historic Places, and thus the project site must be evaluated at this level of significance. And as the "site" does not mean just the church and quadrangle buildings, but the entire area occupied for the mission purposes, the potential negative impacts caused the Mission Town Center need to be reviewed at a historic archaeological district level (i.e. the remainder of the area occupied by the Third Mission Santa Clara), not just how they project affects the specific two blocks proposed for the project's location. This does	We agree with reviewer's comment that the project lies within the Third Mission Site, and it has high likelihood of buried cultural resources. The Treatment Plan discusses the complex landscape surrounding the Mission and the likelihood of associated cultural resources well beyond known Third Mission Site boundaries (for example Treatment Plan, Pgs. 11-33; 51). Our analysis and interpretations of the Mission Town Center Project archaeological data will not be done in

Section	Comment	Response
	not appear to have been done in the D.E.I.R.	<p>isolation; instead they will be placed within the context of what we already know about the Third Mission Site, and the findings will contribute to our understanding of the Mission landscape.</p> <p>In responding to the reviewer's comment, we added additional text to the EIR on Pg. 4.2.5, <i>Spanish Colonial Era</i>, start of first paragraph to read as follows:</p> <p>The Project Site lies in an area of high sensitivity for historical resources representing the Mission and Early American Eras of Santa Clara, and it is bounded by parcels known to hold significant historical resources representing these eras. As such, the Project Site is located within the Mission Santa Clara landscape which includes different components of Mission period life-ways including but not limited to the Mission and it associated buildings, Rancheria, and features related to agriculture and industry. Five separate Mission churches were built in Santa Clara at three distinct locations.....</p> <p>In response to the reviewers comments on National Register of Historic Places eligibility we added the following to the Cultural Resources Treatment Plan, page 5, end of first partial paragraph: The Third Mission site (Murguía Mission Site) has also been determined eligible for inclusion on the National Register for Historic Places. This determination is based on archaeological excavations for the El Camino re-route project (Hylkema 1995) as memorialized in the</p>

Section	Comment	Response
		<i>Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguía Site (Covenant Running with the Land)</i> (City of Santa Clara 1989). For this reason, archaeological resources dating to the Mission era found within the project area are part of the National Register eligible Murguía Mission Site.
	<p>Comment 2.</p> <p>A map drawn on April 5, 1869 , showing the "Location of Sewer as accepted by the Board of Trustees of Santa Clara," indicates the sewer emptying into an "Old Ditch" approximately 75' east of the intersection of Fremont and Sherman Streets. In a conversation with Mark Hylkema, he agreed with me that it was most likely that this "Old Ditch" was indeed the Mission Zanja, shown on his Map 10 (see Attachment A), of his report on "Archaeological Investigations At The Third Mission Location of Mission Santa Clara De Asís." This further indicates that the blocks proposed for the Mission Town Center Project lie within the boundaries of the Third Mission Site.</p>	<p>We agree with reviewer's comment, and our response to Comment 1 also addresses Comment 2 concerns.</p>
	<p>There is ample evidence that this site has a high degree of archaeological sensitivity. Other archaeological work in the immediately surrounding area has uncovered traces of mission era occupation. SCU's "Travel Lodge project on the Alameda directly across from the proposed site uncovered archaeological resources, and mission era finds were uncovered during the archaeological investigations for the New Police Building/Next door project, directly across the El Camino re-route on the north side of Benton Street. This property lies immediately between those two areas. Also, the list of property owners and their improvements, which accompanied the 1866 J. J. Bowen Survey of the Town of Santa Clara, shows that even then and adobe house still occupied the land on Sherman north of Benton Street.</p>	<p>We agree with reviewer's comment, and our response to Comment 1 also addresses Comment 3 concerns.</p>

**Changes to be made in the DEIR (Volume 1) related to Cultural Resources
(Responses to comments from OHP and Lorie Garcia, January 2016)**

PAGE	CAPTION/SENTENCE	PLEASE CHANGE TO:
2.0-11	Mitigation for Less Sensitive Areas	Mitigation for Areas with lower likelihood of in-situ preservation and cultural integrity
2.0-11	Areas not known to be sensitive shall be monitored by a trained archaeologist during ground disturbing activities. Archaeological	Areas with lower likelihood of in-situ preservation and cultural integrity shall be monitored by a trained archaeologist during ground disturbing activities.
2.0-12	Mitigation Measure CUL-2a (continued) The key elements of the Treatment Plan for sensitive areas are summarized below:	Mitigation Measure CUL-2a (continued) The key elements of the Treatment Plan for areas with greater likelihood of in-situ preservation and cultural integrity are summarized below:
2.0-13	Monitoring shall occur after demolition but before construction grading in specific areas within the project that are determined to be the most sensitive based on background research.	Monitoring shall occur after demolition but before construction grading in specific areas within the project that are determined to have greater likelihood of in-situ preservation and cultural integrity based on background research.
4.2-3	<i>Late Mexican and American Era</i>	<i>Late Mexican and Early American Era</i>
4.2-3a direct successor to the Mission pueblo.a direct successor to the Mission.
4.2-4	In 1866, City officially established a grid street system to accommodate anticipated growth	In 1866, the City formalized the existing street system, which had been established in 1847, when William Campbell surveyed the Town of Santa Clara for Father Jose Maria Suarez del Real, in order to facilitate the settlement of various existing titles.
Pg. 4.2-4 and 4.2-5.	In an effort to reach larger markets and increase their profits, the Santa Clara Tannery allied with the nearby College of Santa Clara to support the construction of the San Francisco and San Jose Railroad in 1860. Following that, in 1863,.....	“In an effort to reach larger markets and increase their profits, the Santa Clara Tannery allied with the nearby College of Santa Clara to support the construction of the San Francisco and San Jose Railroad in 1860. The late 1870s saw the construction of the South Coast Pacific Railroad (S.P.C.RR), a narrow gauge railroad, which would run between Alameda and Santa Cruz (Macgregor 1982:124). In November, 1876, the diamond crossing, where the S.P.C. RR intersected the tracks' of the broad gauge S.J. & S. F. (now S.P. RR), was installed near the

PAGE	CAPTION/SENTENCE	PLEASE CHANGE TO:
		foot of Sherman Street. By early 1877 all the grading for the narrow gauge line was completed from Santa Clara to San Jose. Following that, in 1863,.....”
4.2-5	at three distinct locations	at four distinct locations
4.2-5	<p><i>Spanish Colonial Era</i></p> <p>Five separate Mission churches were built in Santa Clara at three distinct locations.</p>	<p><i>Spanish Colonial Era</i></p> <p>The Project Site lies in an area of high sensitivity for historical resources representing the Mission and Early American Eras of Santa Clara, and it is bounded by parcels known to hold significant historical resources representing these eras. As such, the Project Site is located within the Mission Santa Clara landscape which includes different components of Mission period life-ways including but not limited to the Mission and it associated buildings, Rancheria, and features related to agriculture and industry. Five separate Mission churches were built in Santa Clara at three distinct locations.....</p>
4.2-6	According to the yearly informal archaeological investigations, neophytes	According to the yearly informes , neophytes
4.2-6	To date there appears to be one large neophyte living complex at Mission Santa Clara, despite....	To date there appears to be one large neophyte residential complex at Mission Santa Clara with numerous components ,....
4.2-7	After Mexican secularization Santa Clara transformed into a working class neighborhood.....	After Mexican secularization Santa Clara transformed and the Mission became a parish church and a small secular Mexican community developed close to the church.
4.2-7	Intact resources associated with the Mexican Period, American Period or Pre-Colonial times were not identified.	Given that previous testing involved the sampling of only a small portion of the site, intact resources associated with the Mexican Period, American Period or Pre-Colonial times were not identified.
4.2-12surveyed by W. W. Bowen in 1866.surveyed by J. J. Bowen in 1866.

PAGE	CAPTION/SENTENCE	PLEASE CHANGE TO:
4.2-25	Based on the available information, the southern and northeastern portions of the project site are considered highly sensitive for buried archaeological resources related to the Santa Clara Mission as well as Native American habitation of the area prior to the establishment of the Mission, whereas the remainder of the site is considered less sensitive for archaeological resources.	Based on the available information, the southern and northeastern portions of the project site are considered to have a greater potential for in-situ preservation, cultural integrity, and buried archaeological resources related to the Santa Clara Mission as well as Native American habitation of the area prior to the establishment of the Mission, whereas the remainder of the site has lower likelihood of in-situ preservation and cultural integrity of archaeological resources.
4.2-29	Mitigation for Less Sensitive Areas	Mitigation of Areas with lower likelihood of in-situ preservation and cultural integrity
4.2-29	Construction Monitoring during Ground Disturbance. Areas not known to be sensitive shall be monitored by a trained archaeologist during ground disturbing activities.	Construction Monitoring during Ground Disturbance. Areas not known to have in-situ preservation and cultural integrity shall be monitored by a trained archaeologist during ground disturbing activities.
4.2-29	The key elements of the Treatment Plan for sensitive areas are summarized below:	The key elements of the Treatment Plan for areas with greater potential for in-situ preservation and cultural integrity are summarized below:
4.2-31	Monitoring shall occur after demolition but before construction grading in specific areas within the project that are determined to be the most sensitive based on background research.	Monitoring shall occur after demolition but before construction grading in specific areas within the project that are determined to have a greater potential for in-situ preservation and cultural integrity based on background research.

**Changes to be made in the Appendix 4.2 DEIR Volume II
(In response to comments from OHP and L. Garcia, January 2016)**

PAGE	CAPTION/SENTENCE	PLEASE CHANGE TO:
NA	It appears that Appendix 4.2 was placed twice in the DEIR Volume II.	Please remove the repeated App 4.2
1	This plan targets the most archaeologically sensitive regions within the Project Site, and presents a method for investigating these areas efficiently and carefully.	This plan targets the areas with the greater likelihood of in-situ preservation and cultural integrity within the Project Site, and presents a method for investigating these areas efficiently and carefully.
6	Based on previous archaeological and historical studies, described in detail below, the Mission Town Center has a high potential for encountering archaeological resources relating to the Mission, Mexican, and American Periods.	Based on previous archaeological and historical studies, described in detail below, the Mission Town Center has a high potential for encountering archaeological resources relating to the Mission, Mexican, and Early American Periods.
11at three distinct locations.at four distinct locations.
19	To date there appears to be one large neophyte living complex at Mission Santa Clara, despite	“To date there appears to be one large neophyte residential complex at Mission Santa Clara with numerous components ,....
30	The Late Mexican/American Period Landscape	The Late Mexican/ Early American Period Landscape
32	The presence of Feature 16 indicates at least a partial sewer system within this American Period neighborhood (Baxter et al. 2011:204).	The presence of Feature 16 indicates at least a partial sewer system within this Early American Period neighborhood (Baxter et al. 2011:204).
122	This monitoring should occur after demolition but before construction grading in specific areas within the Project, determined to be the most sensitive based on background research.	This monitoring should occur after demolition but before construction grading in specific areas within the Project, determined to have a greater likelihood of in-situ preservation and cultural integrity based on background research.
124	Figure 54. Caption in figure “Areas of sensitivity”	“Areas with greater likelihood of in-situ preservation and cultural integrity ”
145	In this Treatment Plan, we propose very careful removal of disturbed, overburden soils in archaeologically sensitive areas in order to identify any of the resources mentioned above (Phase I). For areas within the Project Site that are less sensitive, we propose archaeological monitoring of construction (Construction Monitoring).	In this Treatment Plan, we propose very careful removal of disturbed, overburden soils in areas with greater likelihood of in-situ preservation and cultural integrity to identify any of the resources mentioned above (Phase I). For areas within the Project Site that have a lower likelihood of in-situ preservation and cultural integrity , we propose archaeological monitoring of construction (Construction Monitoring).

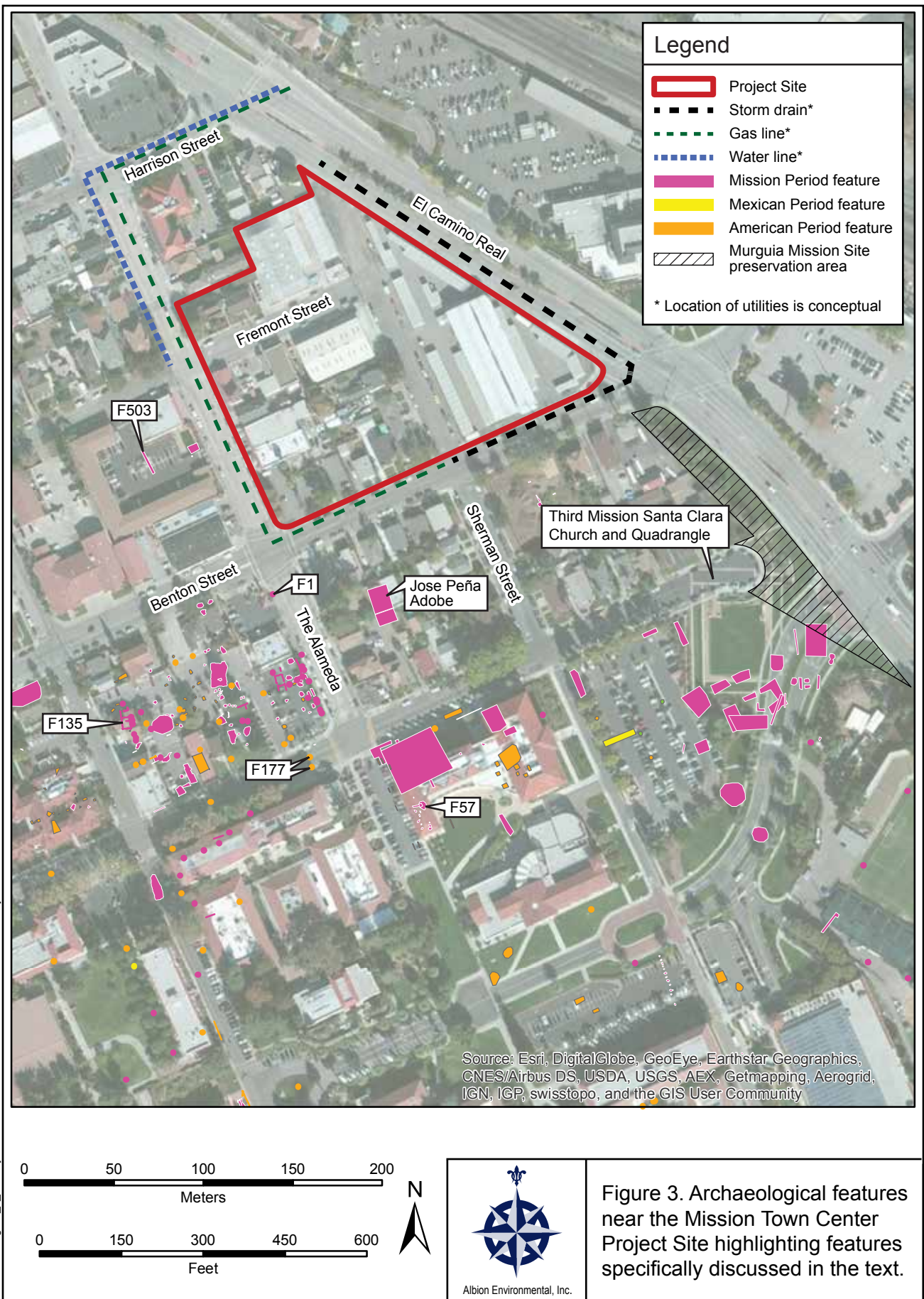
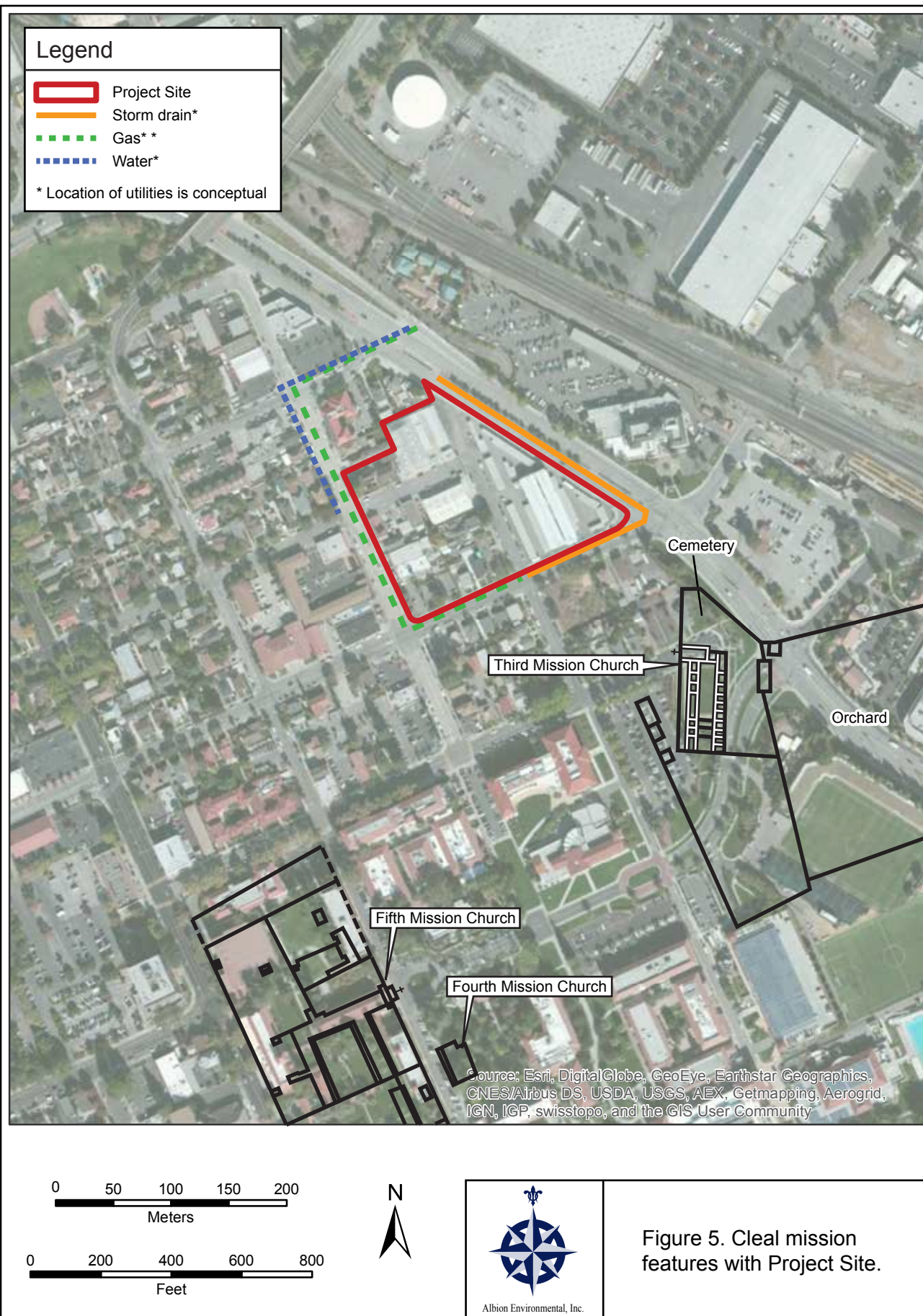


Figure 3. Archaeological features near the Mission Town Center Project Site highlighting features specifically discussed in the text.

File name: Figure 5. Cleal.ai, J2015-009.01, Stella D'Oro, 25 January 2016





Provided by the Lorie Garcia Historial Collection

Benton Street near right edge going vertically towards upper right corner, Sherman Street running horizontally just behind building off center in foreground behind the warehouse building to the right.



Albion Environmental, Inc.

Figure 45. View of Santa Clara from water tower, 1895.



APPENDIX 2.3

Jeanette C. Justus Response to Comments Letter



JEANETTE C. JUSTUS ASSOCIATES
SCHOOL PLANNING | PUBLIC POLICY

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January 22, 2015

Yen Han Chen
Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
ychen@santaclaraca.gov

Re: Santa Clara Unified School District (SCUSD) Comments Regarding Mission Town Center Project; CEQ2015-01188

Dear Mr. Chen,

This letter is in response to the December 18th letter received from Mark Allgire, Assistant Superintendent, Business Services regarding the impacts of the Mission Town Center Project on school facilities.

Regarding the Student Generation Rates («SGR»), we would like the City to note the following. Mission Town Center is planning construction of high density 385 rental units. The historical actual student generation rates contained in the District's commissioned study by Tom Williams of Enrollment Projection Consultants dated January 22, 2015, notes that the actual number of students produced by over 3,300 high density units remains low at a rate of 0.02 students per unit. Based upon this SGR and 385 residential units, the Mission Town Center Project would generate 8 students (4 elementary, 2 middle and 2 high school students).

Additionally, the same study provides for a separate student generation rate of 0.65 for Below Market Rate housing. The Project applicant has now voluntarily agreed to provide 10% of the residential units within the Project as affordable units that would be qualified as Below Market Rate. The affordable units may be provided either on or offsite and any affordable units that are provided offsite would be subject to the City's entitlement process. Based upon the two types of SGR described above, if all the affordable units are provided onsite and the project includes 385 total residential units, the Mission Town Center Project would generate 32 students (16 elementary, 7 middle and 9 high school students).

Statutory school fees are based on square footage, not the SGR. Here, the statutory development fees are \$3.36 per square foot of residential development and \$0.54 per square foot for commercial

development. In accordance with SB 50, the project applicant would pay these fees to mitigate impacts to the school district and provide funding for new facilities. The Project will generate over \$1 million in school impacts fees, which provide more funding than required to address school impacts from the Project. Government Code Section 65995 states the development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation." This statement applies to development projects with and without affordable units. SB 50 provides that a state or local agency may not deny or refuse to approve the planning, use or development of real property on the basis of a developer's refusal to provide mitigation in amounts in excess of that established by SB 50.

Mr. Allgire's letter asks for assistance by Developers to help construct facilities, purchase land or find alternate solutions to accommodate students and support services. **To respond to this request, the Irvine Company offered a Voluntary Community Benefit in addition to the residential mitigation fee portion already required on Mission Town Center. This contribution would provide an additional \$1.1 million to SCUSD, which would bring the total in fees and voluntary community benefits to the District to \$2,226,216 for the Mission Town Center. SCUSD will receive additional benefits upon build out, when the Project will begin generating operational revenue for SCUSD in the form of Basic Aid taxes estimated at between \$914, 559 to \$1,085,644 annually.**

Sincerely,



Jeanette C. Justus
President
Jeanette C. Justus Associates

CC: Carlene Matchniff
Vice President, Entitlements & Public Affairs of Northern California
Irvine Company Community Development

Stanley Rose III, Ed.D.
Superintendent
Santa Clara Unified School District

APPENDIX 2.4

Ward Hill, Architectural Historian Responses to Comments Memorandum

Memo

To: Paul Stephenson, Impact Sciences

From: Ward Hill, Architectural Historian

RE: Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R

Date: January 25, 2016

Comment 1: “surveyed by W.W. Bowen in 1866” The correct name is “surveyed by J.J. Bowen.”

Response: The correct name is “surveyed by J.J. Bowen,” not W.W. Bowen

Comment 2: “The historic quad is an area approximately 10 blocks by 10 blocks” This is unclear: The original blocks were surveyed into blocks that were approximately 300’ by 300’.

The “Plat of Santa Clara compiled from Official Survey made April 1866” shown in the *Historical Atlas Map of Santa Clara County* (Thompson & West) page 43 shows the original 1866 “official” grid (or historic quad) of Santa Clara, surveyed by J.J. Bowen in 1866. The historic quad is an area approximately ten by ten blocks bounded by Bellomy Street, Lincoln Street, Clay Street and Sherman Street (**Figure 1**, attached). It is correct that each block in the Bowen survey is approximately 300 feet square.

Comment 3: I would like to state my disagreement with the statement that “the Santa Clara grid has been extensively altered since the original survey”. In fact while there have been some alterations to the grid, especially following the era of redevelopment, they have resulted in minimal disruption to the grid as shown on the 1866 survey and it retains a high level of integrity.

The alterations made to the original 1866 grid during the intervening 150 years of development in the City are much more extensive than suggested by this comment (see **Figure 1**). The expansion of Santa Clara University (which has grown east and south from the original Santa Clara College parcel) adjacent to the project site on the south has resulted in the alteration of sixteen entire original blocks or partial blocks (some blocks on Sherman Street are not shown as complete blocks on the Bowen survey). Seven blocks of Sherman Street have been vacated and Sherman Street no longer connects to El Camino Real. Fremont Street also no longer connects to El Camino Real. An additional eight blocks have been filled in along Franklin Street adjacent to the west side of SCU. The realignment of El Camino altered three blocks near the project site; an additional two blocks have been consolidated to form Larry J. Marsalli Park along the south side

of El Camino Real (Lafayette to The Alameda). Additional blocks have been altered in other areas of the original grid. The impact of these alterations is that the original grid overall does not retain a high level of historic integrity.

The project will vacate one block of Fremont Street and one block of Sherman Street. The eastern end of Fremont Street has already been vacated by the triangular lot now bounded by Benton Street, El Camino Real and Sherman Street. Also Sherman Street has been vacated at Fremont Street, thus does not provide vehicle access to El Camino. The original Santa Clara grid overall has been extensively altered since the official 1866 survey. Many streets platted in 1866 have been filled in by modern development.

Comment 4: The D.E.I.R. states that “the original grid near the project area has been altered by the realignment of El Camino Real in 1982 and later development.” The realignment of El Camino Real had minimal impact on the original grid near the project area. The realignment followed the then existing Campbell Avenue and the route of the South Pacific Coast Railroad. It left Sherman Street and Fremont Street in their original alignment. I would like to state that I believe the conclusions reached in this chapter of the D.E.I.R. are based on erroneous assumptions and need further clarification.

While the El Camino Real realignment had minimal impact to the small portions of the original grid located within the boundaries of the project site, the construction of El Camino Real extensively altered three original blocks north of the project site. Additionally, the overpass and interchange between De La Cruz Boulevard and El Camino Real extensively altered the two blocks bounded by Lewis Street, Alviso Street, Sherman Street and El Camino Real. El Camino Real runs diagonally through the block south of the interchange (the block originally bounded by Lewis, The Alameda, Sherman and Harrison). While the El Camino Real realignment removed a small portion of the block bounded by Harrison, The Alameda, Fremont and Sherman, the area removed from the block was sufficiently significant so that a Queen Anne house (608 Harrison Street) adjacent to the existing house at 610 Harrison Street had to be also removed. The removal of 608 Harrison Street diminished the historic integrity of this row of houses adjacent to the project site (which also includes the house at 640 Harrison Street). The alignment also added a major regional thoroughfare (El Camino Real) adjacent to this block, thus significantly changing the setting, character, and feeling of this portion of the street grid, as well as the functionality of streets that no longer served as “through” streets connecting to other streets within the original grid. Also both Fremont and Sherman Street on the project site have been closed off at the Fremont/Sherman intersection (i.e., no through access to El Camino Real) because of the El Camino Real realignment.

Comment 5: The proposed Mission Town Center project effectively destroys part of the original street grid and the blocks and lots contained within its boundaries, thus altering the historic pattern of development in this area.

The project will vacate one block of Fremont Street and one block of Sherman Street. The eastern end of Fremont Street has already been vacated by the triangular lot now bounded by Benton Street, El Camino Real and Sherman Street. Also Sherman Street has been vacated at Fremont Street, thus does not provide vehicle access to El Camino. The original Santa Clara grid

overall has been extensively altered since the official 1866 survey. Many streets platted in 1866 have been filled in by modern development.

While the Old Quad neighborhood includes a number of historic residences, it is not a recognized historic district. *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357 (construction of a playground in the vicinity of historical structures, or structures that are potentially historic, that does not damage or materially alter any of them is not a substantial adverse change in the significance of a historical resource.) Notably, as seen in FIGURE, the project site is close to the Woman's Club adobe, but is otherwise more than two blocks away from the core area of historic homes in the Old Quad neighborhood where the street grid is minimally disrupted. Furthermore, the project site and the immediate area near the project area lacks the historic continuity and linkages between the buildings needed to retain historic integrity and to be considered an "identifiable" entity as an historic district¹. The historic integrity of the grid has been compromised by many modern intrusions and the loss of many of the early buildings (primarily houses). The original small residential lots have been consolidated in considerably larger lots for the warehouse, office and commercial buildings (constructed primarily in the 1960s and 1970s) extant today on the project site.

The small section of the grid that includes the project area is not an historic resource eligible under California Register criteria or the criteria of the City of Santa Clara Criteria of Local Significance. Because the grid has been significantly altered in the vicinity of the project site, vacation of one block of Fremont and Sherman Street would not substantially affect the integrity of the grid that remains intact.

Comment 6: The scale and massing of this proposed project will disrupt the context of both the subsurface and above ground historic resources on a much larger scale. ...Surrounding development on nearby land and adjacent blocks, both historic and recent has been consistent with mostly one to two-story construction. This has maintained the historic view corridor. The proposed project will present a multi-story intrusion into that view corridor.

The City of Santa Clara has not designated any areas as protected historic view corridors, therefore nothing in the old quad, including the street grid is an historic view corridor.

Also the project qualifies as a transit-oriented development or TOD. An infill site is defined by SB 743 as "a lot located within an urban area that has been previously developed" while a transit priority area is defined by the statute as "an area within one-half mile of a major transit stop." In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." More information about Senate Bill 743 and CEQA can be found in 4.10.2 AESTHETICS of the D.E.I.R. This comment raises aesthetic impacts issues, which are not an impact under CEQA for this project, pursuant to SB 743.

¹. The definition of what constitutes an historic district can be found on page 5, *National Register Bulletin – How to Apply The National Register Criteria for Evaluation* (revised 1998) and the California Register regulations (Title 14, Chapter 11.5; January 1, 1998) Appendix A Glossary of Terms, page 16.

With respect to the Project's impacts to above-ground historic impacts, the Project's direct impacts to historic resources in the built environment is analyzed in DEIR Section X (refer to section re impacts to historic homes.) The Project's impacts to the grid itself (which is not located in the built environment) are addressed in response to Comments 3, 4, and 5 above.

Moreover, the urban environment of the project area includes an heterogeneous mix of older and modern commercial and residential buildings, both taller and smaller scale structures. It is not mostly one and two story construction. On the adjacent block south of the project site, construction is almost complete on the new Santa Clara University "Art and History" Building, a three-story building with a four-story entrance bay, at the northwest corner of Franklin Street and the Alameda. Adjacent to the SCU Art and History Building on the north is 4-story SCU parking garage on the southwest corner of The Alameda and Benton Street opposite the project site. Other SCU buildings on Franklin Street are large three-story structures.

The Santa Clara Railroad Depot approximately 700 feet southeast of the project site is surrounded now by multi-story new construction, including the large City of Santa Clara Police Department building (601 El Camino, three stories with a four story entrance bay facing El Camino) on the north, The three-story Candlewood Suites Silicon Valley, a Bank of America Financial Center and a small retail center on the south. As such, the comment inaccurately asserts that construction in the vicinity of the project site consists of one- and two-story buildings.

Comment 7: The proposed project will present a multi-story intrusion into the (historic) view corridor. Along with effecting a negative impact on nearby historically significant residential structures, this has a negative impact on the context of the historic railroad structures, listed on and eligible for the National Register, and the Woman's Club or Pena Adobe, a state landmark. I believe review for negative impacts should be at a "district" level and not limited to the project site.

See response to Comment 6 regarding the (historic) view corridor.

Additionally, the CEQA Guidelines define a "significant effect" as a project that leads to a "substantial adverse change" such as "... demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired" and thus the equivalent of a significant environmental effect (Section 15064.5 (5) b (1)). The significance of an historical resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources" (Section 15064.5 (5) b (2) (A)).

The Woman's Club (Pena Adobe) and the Santa Clara Railroad Depot (and related structures) are unquestionably significant historic buildings. The issue regarding these buildings and other historic buildings (such as the two Queen Anne House at 610 and 640 Harrison Street) is whether or not their setting is a character-defining feature that justifies their eligibility as historic resources. What is the existing visual environment in the vicinity of these buildings? Has the

building's setting already changed so significantly so that the project will not substantially diminish the significance of these historic buildings? Given the *substantial* modern alterations that have already occurred to setting of these buildings, the setting is not a character-defining feature of any of these resources. Therefore, the project changes to the building's setting do not constitute a *substantial adverse change* to the significance of these historic resources.

A major existing alteration to the Woman's Club setting is the large modern 4-story parking garage and 7/11 convenience store across The Alameda from the Woman's Club. Modern Santa Clara University buildings have been constructed on the block to the south. Construction is almost complete on the new Santa Clara University "Art and History" Building, a three-story building with a four-story entrance bay, at the northwest corner of Franklin Street and the Alameda adjacent to the 4-story parking garage. The large auto repair building (Guerrera's Automotive) at the northwest corner of Benton Street and The Alameda has further altered the setting of the Woman's Club. The principal building on the project site visible from the Woman's Club is the 1970s commercial/auto repair building at 3300-3340 The Alameda, another building that has compromised the historic setting of the Woman's Club building (this parcel originally had single family houses). The Bungalow Style house at 3370 The Alameda (near Fremont Street; over a block to the north) identified as California Register-eligible is not visible from the Woman's Club building. The house at 3410 The Alameda (potentially eligible for the Santa Clara Criteria for Local Significance) -a block and a half north- is also not visible from the Woman's Club. The historic integrity of 625 and 645 Benton Street - the two houses on the project site closest to the Woman's Club- has been compromised because of later alterations.

The Santa Clara Railroad Depot is now surrounded by multi-story new construction, including the large City of Santa Clara Police Department building (601 El Camino, three stories with a four story entrance bay facing El Camino) on the north, the three-story Candlewood Suites Silicon Valley, a Bank of America Financial Center and a small retail center on the south.

Given the many modern alterations to the setting of the Woman's Club building and the Santa Clara Railroad Depot that have already occurred, the setting of these buildings is not a character-defining feature associated with their eligibility as historic resources. In conclusion, the project's impacts to the setting of these historic resources do not constitute a significant effect on historic resources under CEQA.







